

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Henson Garth, 230 ft. S of c/l Greenspring Avenue
12148 Henson Garth
4th Election District
3rd Councilmanic District
Peter C. Hoffman, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-272-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 27 ft., in lieu of the required 50 ft. for an additional bedroom, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of February, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 27 ft., in lieu of the required 50 ft., for an additional bedroom, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) as set forth in the comments submitted by the Division of Ground Water Management dated February 4, 1992, attached hereto and made a part hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.

-2-

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 20, 1992

Mr. and Mrs. Peter C. Hoffman
12148 Henson Garth
Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
Case No. 92-272-A

Dear Mr. and Mrs. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 to permit
A 5.02 YARD SETBACK OF 27 FT IN LIEU OF THE REQUIRED
50 FT

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

AN ADDITIONAL BEDROOM IS BEING ADDED THE TOPOGRAPHY OF THE LAND AND INTERLUANT PRECLUDE A REAR OR TWO STORY ADDITION

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Name, address and phone number of owner, contract purchaser or representative to be contacted.

Address

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AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) reside(s) presently at: 12148 Henson Garth, NE 21117
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The lot is 50 ft wide at the distance of 230 ft south of the centerline of the nearest improved intersecting street Greenspring Ave which is 60 ft of Right of Way wide. Being Lot #5, Block E, Section #11 in the Sub-division of Worthington Valley zot's as recorded in Baltimore County Plat Book #34, Folio #7, containing 1.6 acre. Also known as 12148 Henson Garth and located in the 4th Election District, 3rd Council District.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

I, Peter C. Hoffman, do hereby certify that I am the legal owner of the property described above and that I am competent to testify to the facts herein stated.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of February, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 1/31/93

Zoning Description

Beginning at a point on the west side of Henson Garth which is 50 ft wide at the distance of 230 ft south of the centerline of the nearest improved intersecting street Greenspring Ave which is 60 ft of Right of Way wide. Being Lot #5, Block E, Section #11 in the Sub-division of Worthington Valley zot's as recorded in Baltimore County Plat Book #34, Folio #7, containing 1.6 acre. Also known as 12148 Henson Garth and located in the 4th Election District, 3rd Council District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: February 2, 1992
Posted for: Administrative Variance
Petitioner: Peter C. Hoffman
Location of property: 12148 Henson Garth, NE 21117
Location of Sign: 12148 Henson Garth, NE 21117
Remarks:
Posted by: Lawrence E. Schmidt
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number:

Date:

Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

January 28, 1992

(410) 887-3353

Peter C. and E. Lynn Hoffman
12148 Henson Garth
Owings Mills, Maryland 21117

Re: CASE NUMBER: 92-272-A
LOCATION: W/S Henson Garth, 230' S of c/l Greenspring Avenue
12148 Henson Garth
4th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 2, 1992. The closing date is February 18, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

LAWRENCE E. SCHMIDT
Zoning Commissioner
Baltimore County

285

285

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 5, 1992

Mr. & Mrs. Peter C. Hoffman
12148 Heneson Garth
Owings Mills, MD 21117

RE: Item No. 285, Case No. 92-272-A
Petitioner: Peter C. Hoffman, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: February 5, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
W. Carl Richards Jr.
W. Carl Richards
Coordinator

MCR:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 9th day of January, 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Peter C. Hoffman, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 4, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: LeBrun Property, Item No. 301
Jackson Property, Item 300
Buell Property, Item 296
Loncala Property, Item 291
Knoll Property, Item 290
Trustees Cedar Grove V.M. Church, Item No. 289
Hoffman Property, Item 285
Brooks Property, Item 283

In reference to the Petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:
Jeffrey Long

GLK/JL:rdn
ITEM301/TXTROZ

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

February 4, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #285, Zoning Advisory Committee Meeting of January 28, 1992, Peter C. Hoffman and E. Lynn Hoffman, W/S Heneson Garth, 230' S of centerline Greenspring Avenue (#12148 Heneson Garth), D-4, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any building addition must be a minimum of 20 feet from any part of the septic area and 30 feet from the water well.

SSP:rmp
285.ZNG/GWRMP

RECEIVED
FEB 5 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 30, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PETER C. HOFFMAN AND E. LYNN HOFFMAN
Location: #12148 HENESON GARTH
Item No.: 285 Zoning Agenda: JANUARY 26, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed and Approved
Planning Group
Special Inspection Division

JP/KEK

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: January 29, 1992

RE: Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

RECEIVED
JAN 30 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

February 4, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #285, Zoning Advisory Committee Meeting of January 28, 1992, Peter C. Hoffman and E. Lynn Hoffman, W/S Heneson Garth, 230' S of centerline Greenspring Avenue (#12148 Heneson Garth), D-4, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any building addition must be a minimum of 20 feet from any part of the septic area and 30 feet from the water well.

SSP:rmp
285.ZNG/GWRMP

RECEIVED
FEB 5 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Family

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 28, 1992

This office has no comments for item numbers 285, 290, 291, 292, 294,
295 and 296.*Rahee J. Family*
Rahee J. Family
Traffic Engineer II

RJB/12d

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCETO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 28, 1992The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 285, 289, 290, 291, 293, 294, 295 and 296.For Items 286 and 292 County Review Group Meetings will
be required.For Item 297, the previous County Review Group Comments
still remain valid.*Robert W. Bowling*
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

February 19, 1992

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Lawrence E. Schmidt

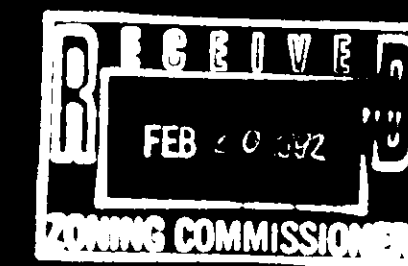
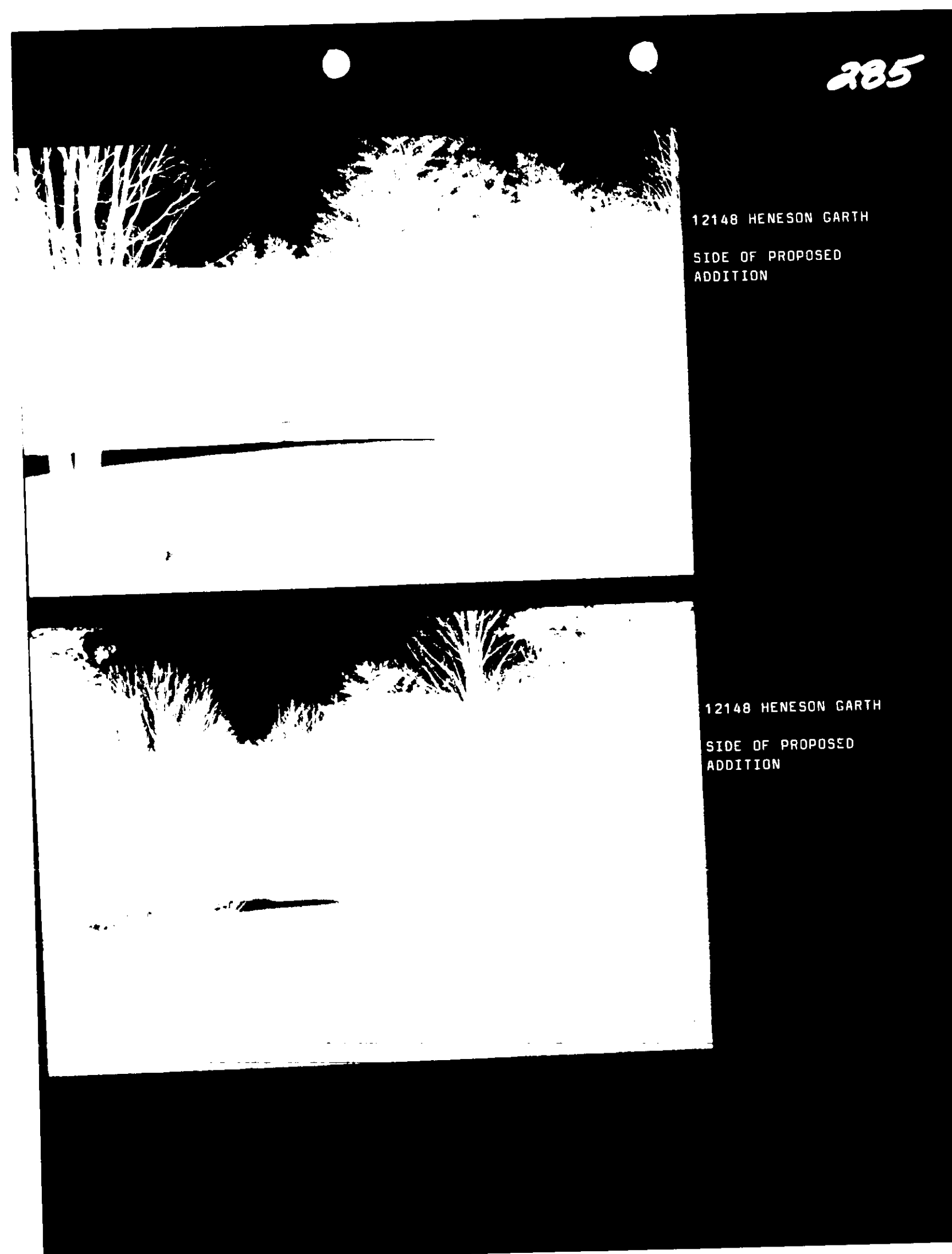
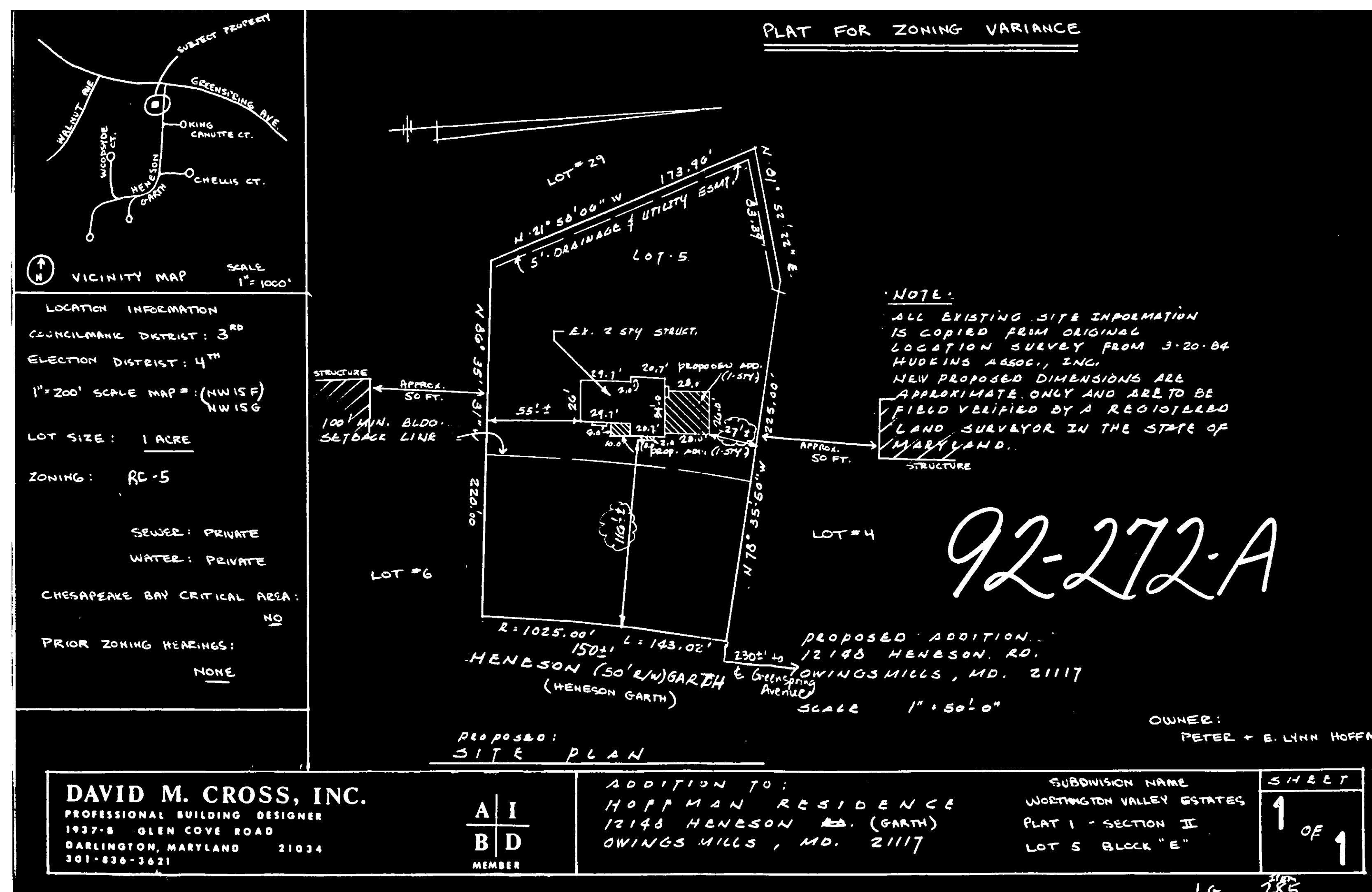
RE: Item Number: 285
Case Number: 92-272-A
Petitioner: Peter and Lynn Hoffman
Petition for Administrative Variance

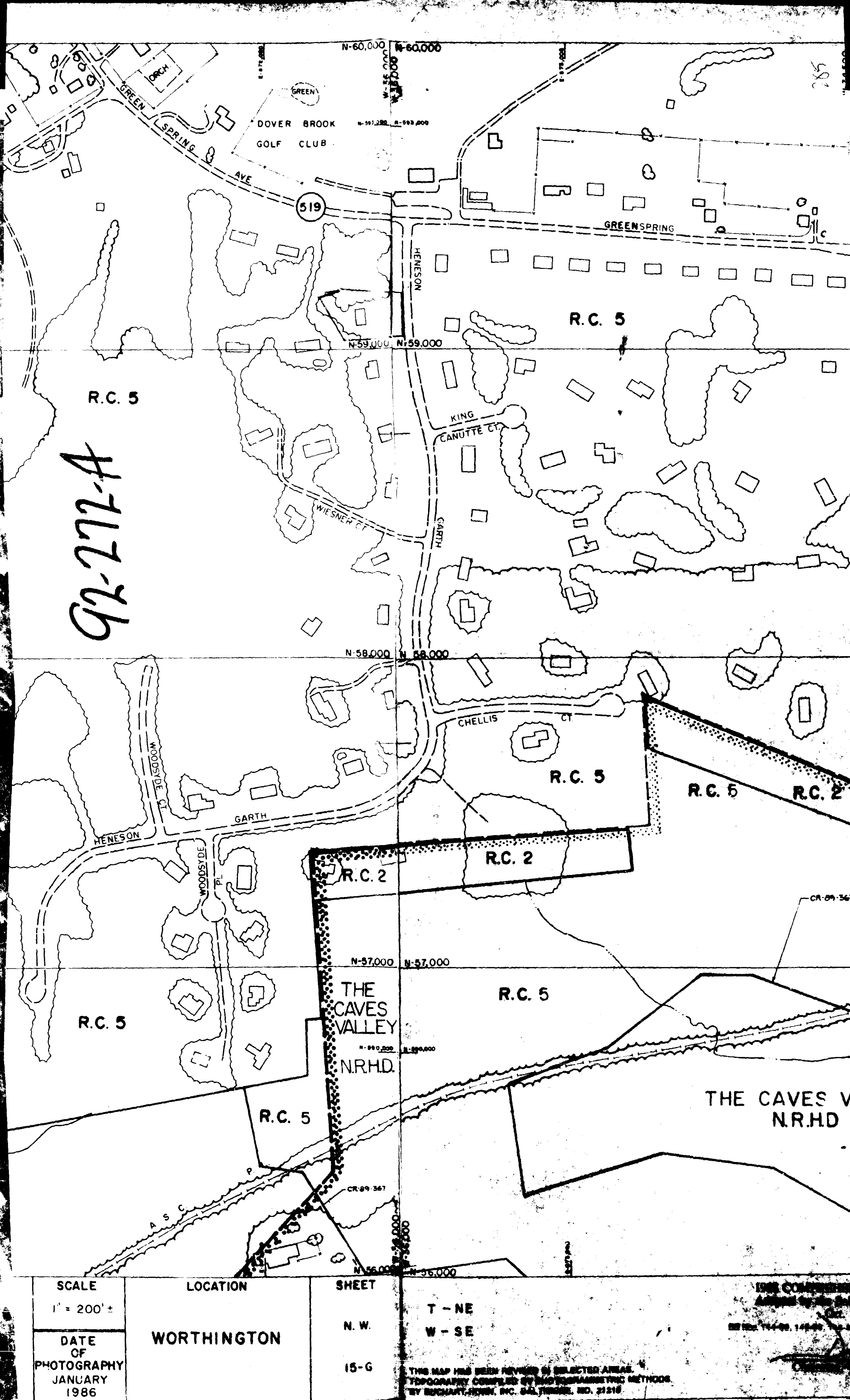
Dear Mr. Schmidt:

My neighbors, Peter and Lynn Hoffman, have applied for an administrative
zoning variance in order to add a room to their home. Please be
advised that I am their adjacent neighbor, the only one which would be
directly affected by such a proposed addition.I wanted to advise you that the proposed addition would create a side
yard set back of 27 feet in lieu of the required 50 feet. I have no
objection to the proposed addition. There is still a considerable
distance between the Hoffmans' proposed set back and my home. There
additionally is a considerable amount of woods and brush that separates
the properties.I am writing in the hopes that this will expedite approval of their
Petition for Administrative Variance.

Thank you for your cooperation.

Very truly yours,

Jim Kessler
JIM KESSLER12148 HENESON GARTH
TOWARDS LOT 412148 HENESON GARTH
FRONT VIEW12148 HENESON GARTH
SIDE OF PROPOSED
ADDITION12148 HENESON GARTH
SIDE OF PROPOSED
ADDITION



SCALE 1" = 200'	LOCATION WORTHINGTON	SHEET N.W. 15-G	T-NE W-SE
DATE OF PHOTOGRAPHY JANUARY 1986			

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200'	LOCATION WORTHINGTON	SHEET N.W. 15-G
DATE OF PHOTOGRAPHY JANUARY 1986		

97-277-A